

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

ROBERT and MARIYA SKERTICH,

Plaintiffs,

v.

EQUIFAX, EXPERIAN and
TRANS UNION,

Defendants.

NO. 2:20CV319-PPS/ APR

OPINION AND ORDER

Robert and Mariya Skertich, acting without an attorney, filed a complaint in Lake County Superior Court alleging that the three defendant credit reporting agencies repeatedly failed to correct errors on their credit reports. [DE 5.] With the consent of the other two defendants, Trans Union removed the case to federal court on the ground that the complaint falls within the Fair Credit Reporting Act, 15 U.S.C. §1681 *et seq.* [DE 1.] All three defendants have answered the complaint [DE 7, 11, 15], and Judge Andrew P. Rodovich set the matter for a telephonic preliminary pretrial conference under Fed.R.Civ.P. 16 on November 6, 2020 [DE 13]. Defendants all appeared and participated in the conference. [DE 19.] Plaintiffs did not. [*Id.*] Judge Rodovich issued an order requiring the Skertiches to show cause why they failed to appear. [DE 20.] No response was filed.

On February 3, 2021, Judge Rodovich issued a Report and Recommendation in which he recommended the dismissal of the complaint with prejudice pursuant to Rules

16(f) and 41(b) in view of the plaintiffs' failure to appear for the conference as ordered and failure to respond to the show cause order. [DE 22.] The R&R expressly advised the Skertiches that under 28 U.S.C. §636(b)(1) they had 14 days to file any objections to the recommendation. [*Id.*] The Skertiches have filed nothing in the 22 days since the R&R was issued.

ACCORDINGLY:

Judge Andrew P. Rodovich's Report and Recommendation [DE 22], to which no objections or other response has been timely filed, is ACCEPTED AND ADOPTED.

For the plaintiff's failure to appear, failure to comply with orders of the court and failure to show cause, the case is DISMISSED WITH PREJUDICE pursuant to Fed.R.Civ.P. 16(f) and 41(b).

SO ORDERED.

ENTERED: February 25, 2021.

/s/ Philip P. Simon
PHILIP P. SIMON, JUDGE
UNITED STATES DISTRICT COURT